

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID L. MATHIS,)	
)	Civil Action No. 11 – 450
Plaintiff,)	
)	District Judge Nora Barry Fischer
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
JENNIFER MANZA, et al,)	
)	
Defendants.)	

MEMORANDUM ORDER

This suit commenced with this Court's receipt of Plaintiff's motion to proceed *in forma pauperis* on April 4, 2011. (ECF No. 1.) The motion was granted (ECF No. 2) and Plaintiff's Complaint was filed on April 8, 2011 (ECF No. 3). On April 18, 2011, this case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Local Rules 72.C and 72.D.

Plaintiff filed an Amended Complaint (ECF No. 17) and Defendants filed a Partial Motion to Dismiss the Amended Complaint on August 18, 2011 (ECF No. 18). On January 18, 2012, the Magistrate Judge entered a Report and Recommendation (ECF No. 26) recommending that Defendants' motion be granted and that Plaintiff's equal protection and establishment clause claims regarding the providing of religious texts and visits of religious advisers be dismissed, with prejudice. Plaintiff was served with the Report and Recommendation at his listed address and advised that he had until February 6, 2012, to file written objections. Plaintiff filed

Objections to the Report and Recommendation on February 6, 2012. (ECF No. 27.) Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered.

AND NOW, this 9th day of February, 2012,

IT IS HEREBY ORDERED that Defendants' Partial Motion to Dismiss (ECF No. 18) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 26) dated January 18, 2012, is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that this case is remanded back to the Magistrate Judge for all further pre-trial proceedings.

By the Court:

Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: David L. Mathis
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Counsel of Record